IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Bhagat Ram Khatik Vs. Baroda Raj. Gramin Bank & Anr.

S.B.CIVIL WRIT PETITION NO.2884/2007

DATE OF ORDER :: May 30, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.M.A.Siddiqui, for the petitioner.
Mr.N.M.Lodha, Addl. Advocate General.

BY THE COURT:

Heard learned counsel for the parties.

By the instant writ petition under Article 226 of the Constitution of India, the petitioner has challenged the order Annexure-12 dt. 23.4.2007 issued by Baroda Rajasthan Gramin Bank calling upon the petitioner to show cause against the proposed punishment for the charges having been framed after holding due enquiry. The petitioner was called upon to show cause against the proposed punishment to appear before the respondents on 4.5.2007 at 11.00 A.M. However, instead of appearing before the respondents and showing the cause, the

petitioner has filed the instant writ petition. The writ petition against show cause notice is not maintainable in view of the decision of Hon'ble Supreme Court in Union of India & & Anr. vs. Kunisetty Satyanarayana, **2007 AIR SCW 607,** wherein the Hon'ble Supreme Court held as under:

> "Ordinarily no writ lies against a charge-sheet or show cause notice. The reason why ordinarily a writ petition should not be entertained against a mere show cause notice or charge-sheet is that at that stage the writ petition may be held to be premature. A mere charge-sheet or show cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show cause notice or after holding an enquiry the authority concerned may drop the proceedings and/or hold that the charges are not established. It is well settled that a writ lies when some right of any party is infringed. A mere show cause notice or charge-sheet does not infringe the right of any one. It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, that the said party can be said to have any grievance. No doubt, in some very rare and exceptional cases the High Court can quash a charge-sheet or show cause notice if it is found to be wholly without jurisdiction or for some other reason if it is wholly illegal."

In this view of the matter, the writ petition is dismissed.

However, the petitioner may now show the cause to the notice Annexure-12 by 4.7.2007 and if the petitioner submits reply to the show cause notice by the extended date, then the respondent Bank shall consider and decide the same objectively in accordance with law. There shall be no order as to costs.

[H.R.PANWAR],J.

m.asif/-